

III. Remarks**A. Summary of Amendments**

Claims 26, 117 and 126 have been amended as described in more detail below to recite that the track board “concurrently” displays together in a single graphical interface of the track board a listing of a plurality of tracks along with a listing of races at each of said displayed tracks for a date selected by said user.

B. Rejection under 35 U.S.C. § 103**1. Marshall and Thomas**

The Action rejects Claims 26-27, 29-30, 117-118, 120-121, 124-125 and 126-127 as being obvious from Marshall et al. (US 2005/0208995) in view of Thomas et al. (US 2001/0034268). Applicants’ remarks are responsive to the Examiner’s “Response to Arguments” section set forth in the Action, rather than the reasoning set forth in the body of the rejection, because the body of the rejection appears to be a paste of the rejection from the previous June 20, 2006 Official Action, which predated the amendments made in Applicant’s October 18, 2006 Response to that Action.

Claim 26 has been amended to recite that the track board concurrently displays together in a single graphical interface a listing of a plurality of tracks along with a listing of a plurality of races at each of said displayed tracks for a date selected by said user. Applicants submit that prior to this amendment, “display together” showed that the information was displayed simultaneously (as opposed to in multiple screens). Nonetheless, in response to the Examiner’s stated position regarding the window 9200 of Marshall, Applicants have amended claim 26 to recite “concurrently displays together” to emphasize the nature of Applicants’ claimed “track board” as discussed in the previous response.

Claim 26 also recites that the prompt of the user to select a race from a track displayed in the listing from said track board is performed “in said single graphical interface of said track

board.” So, Claim 26 requires the following to be displayed together and concurrently in the same, single graphical interface: (i) a listing of a plurality of tracks along with the plurality of races at each of the tracks, where these races are distinguished to the user based on the recited statuses, and (ii) the recited prompt of the user to select a race. An example of such a track board is shown in FIG. 7, which lists thirteen tracks and several races for each track.

It is submitted that the Examiner’s “Response to Arguments” acknowledges that the combination of Marshall and Thomas does not teach a track board that concurrently displays together in a single graphical interface a listing of a plurality of tracks and a plurality of races at each track. The Examiner acknowledges that window 9200 of Marshall only displays relevant information in separately displayed screens, as shown in FIGS. 92-100. According to the Examiner, this sequential display is a “single interface that displays all the race/track information.” It is submitted that this sequential display of information is not a track board that displays a plurality of tracks and a plurality of races at each track for a dated selected by the user “concurrently” and “together” in a single graphical user interface. For at least these reasons, it is submitted that the method of claim 26 is not taught by the cited combination.

Further, claim 26 recites that “results,” “program data” and “entry data” are displayed dependent upon the selection made by the user from the prompt made by the track board (which concurrently displays the plurality of tracks and plurality of races at each track with the races distinguished by status). As described in detail in the previous response, the “schedule” and “results” options of Marshall are part of different process flows (See FIG. 92). “Results,” for example, cannot be provided from a selection made from a display of the “schedule.” Therefore, the combination of Marshall and Thomas does not teach the “prompting” and “displaying” steps of claim 26.

Still further, claim 26 requires that the claimed track board (with its concurrent display of a plurality of track with a plurality of races at the tracks) distinguish the races from each other by status as “completed,” “open for wagering,” and “not yet open for wagering.” Since the track

board concurrently displays a plurality of tracks AND a plurality of races at the tracks, it is critical to effectively and positively distinguish races at a single track from each other and from races at other tracks. This feature allows the user, who is concurrently presented with a lot of information in a single graphical interface, to quickly and easily distinguish the races from one another and to identify races of possible interest, e.g., those that are “open for wagering,” or those that are now “completed,” etc. This is of great utility to wagerers and handicappers.

In rejecting Claim 26, the Examiner concedes that Marshall lacks this “status” feature (Action, p. 23), but concludes that Thomas’ “track status” as displayed in FIGS. 4A and 4B provides “race” status. The Examiner states that it is “well known in the art that if the track status is ‘open’, then the race is ‘open.’ Thus the track status is monitoring the status of the race.” Applicants respectfully disagree with and traverse the Examiner’s official notice of the state of the art and request reconsideration of this point.

“Track” status does not necessarily convey “race” status. Indeed, “open” does not even mean the same thing in the two contexts. A track is “open” if it is running races that day. A race is “open” if it is “open for wagering.” Further, a track can be “open” while individual races at that track are not. For example, a completed race (for that day or for a previous day) is not “open” in any way. Also, later races at an “open” track (such as for the next day) may not be “open” for wagering. Therefore, “track” status without more does not convey “race” status.

It must be remembered that the track board concurrently lists not only a plurality of races, but a plurality of races at different tracks. Applicants would like to point out that claim 26 also recites the step of “prompting said user to select a date within a predefined time period.” It is therefore important to distinguish races in a track board (which displays concurrently a plurality of tracks and a plurality of races at tracks) based on their status, which may vary by race even if a track is open and vary by date (i.e., past races at an “open” track are completed). Therefore, claim 26 requires that the **races** be displayed in the track board be distinguished based on **three different statuses**: (i) completed, (ii) open for wagering and (iii) not yet open for wagering. As

discussed above, indicating whether a track is “open” does not convey this information about the status of individual races. Also, as the combination of references does not teach or suggest the claimed track board, the combination of references would not teach or suggest distinguishing concurrently displayed races in this manner.

From the foregoing, it is submitted that the combination of Thomas and Marshall does not provide a method where a track board is displayed in response to a selection of a date by a user and where the track board concurrently displays together in a single graphical interface a listing of a plurality of tracks along with a listing of races at each of the displayed tracks for a date selected by said user where the races are distinguished from each other based on their respective status as being (i) completed, (ii) open for wagering and (iii) not yet open for wagering. Further, the combination of references does not teach a method where the single graphical interface of the track board that displays the statuses of the various races prompts the user to select one of the races, which triggers the display of racing data corresponding to the displayed status of the selected race, i.e., results data when the status of the race is completed, race entry data when the status of the race is not yet open for wagering and race program data when the status of the race is open for wagering.

For at least these reasons it is submitted that Claim 26 is not obvious from the cited references and is allowable thereover, along with the claims that depend therefrom.

Independent Claim 117 is directed to a system for providing wagering data with features that parallel those of Claim 26. For at least the reasons set forth above, it is submitted that Claim 117 is allowable over the art of record, along with the claims that depend therefrom.

Claims 27 and 118 recite that the statuses are automatically updated on the track board. The Examiner “interprets the automatic refresh when a user is going through the menus to be an equivalent to automatically updating the track board at predetermined intervals.” Applicants respectfully request reconsideration of this position.

The Examiner cautions Applicants that “limitations are not read into the claims” from the specification. Respectfully, Applicants have not read any limitations into the claims from the specification. Rather, Applicants only request that the Examiner give due consideration to the terms “automatically” and “at predetermined intervals” within the full context of “automatically updating the statuses of said races on said track board in said single graphical interface at predetermined time intervals.”

This updating feature requires two things: (1) that the update is automatic, and (2) that the update is at predetermined intervals. The Examiner concludes that a “refresh” when a user changes menus is “automatic.” A system like Thomas, as interpreted by the Examiner, that requires a user to leave a page that displays information and then return to it to view any updated information would not be “automatic” in any sense because user action is required. Further, these actions are not “automatic at predetermined intervals.” There is no “predetermined interval” associated with a user’s surfing of various pages of Thomas nor does the Examiner identify any aspect of this surfing scenario that is at “predetermined intervals.”

For at least these reasons, it is submitted that claims 26 and 118 are independently allowable over the art of record.

In rejecting claims 29 and 120, the Examiner alleges that the cited combination distinguishes races from each other to the user by status as “closed for wagering with no results available,” “open for wagering with live odds available” and “open for wagering with no live odds available.” These statuses have significant importance to skilled wagerers, particularly whether a race is “open for wagering with live odds available” or “open for wagering with no live odds available.” As discussed above, the combination of references does not distinguish races status in a track board as claimed. For at least these reasons, it is submitted that Claims 29 and 120 are independently allowable over the art of record.

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ATTORNEY DOCKET NO.: W1200-00034

Reconsideration and withdrawal of the rejection of these claims are respectively requested.

2. Marshall/Thomas/Brenner/Boylan, III

The Action also rejects Claims 1-6, 9-25, 28, 92-117 and 122-123 as being unpatentable over Marshall in view of Thomas as applied to Claims 26 and 117 in further view of Brenner et al. (6,089,981) and Boylan, III et al. (6,712,701).

These claims depend from independent Claims 26 and 117 and are, therefore, allowable for at least the reasons set forth above in connection therewith.

3. Marshall/Thomas/Miyamoto/Mindes

The Action rejects Claims 8, 98-99 and 126 as being obvious from the combination of Marshall and Thomas in further view of U.S. Patent No. 6,325,721 to Miyamoto et al. in further view of U.S. Patent No. 5,842,921 to Mindes et al.

Claims 8 and 98-99 depend from independent Claims 26 and 117 and are, therefore, allowable for at least the reasons set forth above.

Independent Claim 126 recites features discussed above in connection with Claim 26. For at least the reasons discussed above, it is submitted that Claim 126 is also allowable over the art of record.

Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

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IV. Conclusion

In view of the foregoing remarks and amendments, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

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